

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Jacobson	Team: Squad #9	CCRB Case #: 201407652	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/24/2014 12:11 AM	Location of Incident: Ralph Avenue at Atlantic Avenue; Ralph Avenue at Herkimer Street	Precinct: 81	18 Mo. SOL 1/24/2016	EO SOL 1/24/2016	
Date/Time CV Reported Mon, 07/28/2014 11:53 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 07/28/2014 11:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Dustin Edwards	02809	938420	PSA 3
2. POM Kevin Costello	07604	944467	PSA 3
3. POM Wilson Verdesoto	26997	937685	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dustin Edwards	Abuse: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, Sgt. Dustin Edwards stopped cars in which individuals were occupants.	
B.POM Wilson Verdesoto	Abuse: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, PO Wilson Verdesoto stopped cars in which individuals were occupants.	
C.SGT Dustin Edwards	Abuse: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, Sgt. Dustin Edwards searched cars in which individuals were occupants.	
D.POM Wilson Verdesoto	Abuse: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, PO Wilson Verdesoto searched cars in which individuals were occupants.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 24, 2014, at approximately 12:11 a.m., § 87(2)(b) allegedly witnessed two vehicle stops conducted by Sgt. Dustin Edwards and PO Wilson Verdesoto of PSA 3. § 87(2)(b) was standing on Ralph Avenue and Atlantic Avenue, when he observed the officers pull over a black SUV. The officers searched the backseat and trunk area of the vehicle. § 87(2)(b) remained in the area, and at 12:26 a.m., § 87(2)(b) observed the same officers stop a green GMC SUV at Ralph Avenue and Herkimer Street. The officers searched the front passenger's area, including the glove compartment and floors, the backseat, and the trunk area (**Allegation A, B, C, and D**). § 87(2)(b) did not witness the occupants of either car be issued a summons or arrested as a result of the stops and searches. § 87(2)(b) provided the license plate of the vehicle the officers were using as § 87(2)(e). § 87(2)(b) did not interact with any of the parties and did not see any further interactions. § 87(4-b), § 87(2)(g)

Mediation, Civil, and Criminal Histories

§ 87(2)(b) was offered mediation but declined § 87(2)(b)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by § 87(2)(b) § 87(2)(b)
- Sgt. Edwards (who has been promoted to the rank of lieutenant since the incident) has been a member of the NYPD for nine years, has had 15 previous CCRB allegations involving seven cases, with one substantiated allegation for premises entered and/or searched. § 87(2)(g) (encl. A1-A2).
- PO Verdesoto has been a member of the NYPD for 10 years, has had 21 previous CCRB allegations involving 13 cases, with no substantiated allegations. PO Verdesoto has one prior allegation for a vehicle stop and a vehicle search, neither of which were investigated due to being closed as Complainant Uncooperative (encl. A3-A4).
- PO Costello has been a member of the NYPD for seven years § 87(4-b), § 87(2)(g) (encl. A5)

Potential Issues

§ 87(2)(b) did not know the occupants of either car. The following attempts were made to identify and contact the occupants:

- The Event summary, stop and frisk log, and handwritten stop and frisk log were requested and both the stop and frisk log and handwritten log were returned negative for any possible matches (encl. G18-G19, K10).
- The Event summary provided no clear matches, but had one possible Event, number § 87(2)(b) occurring on Ralph Avenue at Atlantic Avenue. (encl. G13).
- Event § 87(2)(b) was ordered. The event type and remarks revealed it was not associated with the incident (encl. G14).
- A subpoena was prepared and sent to a Hess gas station located on Atlantic Avenue and Ralph Avenue, in an attempt to obtain any video footage of the incident. However, the Hess gas station was not in possession of any video footage (encl. L1-L2, H2).

NYPD Documents

- There was no event information, Stop, Question, and Frisk report, or warrant check information on record for this location.
- A warrant check was requested from MISD for the hours of 11:00 p.m. on July 23, 2014 to 1:00 a.m. on July 24, 2014 for the area of Ralph Avenue between Atlantic Avenue and Herkimer Street and was returned stating that PO William Sitzman, of the 81st Precinct, had conducted a warrant check beginning at 11:22 p.m., more than 45 minutes before the reported incident time (encl. K15).
- A request for PO Sitzman's memo book revealed that he does not keep a memo book because he is assistant ICO (encl. K16).
- A request to Fleet Services revealed that license plate § 87(2)(e) belongs to a black Ford Taurus, vehicle number 9216-11, of the Police Service Area 3 (encl. K14).
- The roll call for Police Service Area 3 shows three officers assigned to vehicle 9216: Sgt. Dustin Edwards (a § 87(2)(b) -old light skinned black male), PO Wilson Verdesoto (a § 87(2)(b) -old light skinned Hispanic male), and PO Kevin Costello (a § 87(2)(b) -old white male) (encl. G1-G11).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described all three officers as white males, two of whom were approximately 6'0" tall, with average body builds. He could not provide a description of the third officer's height or body build, but stated the officer was wearing a green football jersey and a baseball cap. He also described one of the officers as wearing shorts. § 87(2)(b) described the vehicle the officers were using as a black Ford Taurus, with the license plate § 87(2)(e) (encl. C2-C3). § 87(2)(b) described all three officers as white males, and although Sgt. Edwards is a black male and PO Verdesoto is a Hispanic male, both are light-skinned and could reasonably be mistaken for white (encl. D5, E6). Both PO Verdesoto and PO Costello acknowledged using vehicle 9216 on the day of the incident. In his interview, Lt. Edwards stated that he was using vehicle 9266, however all the evidence, including his own memo book, indicates that he was in fact using vehicle 9216 on the day of the incident. None of the officers had any memo book entries regarding the incident, but were in the vicinity of the incident location during the incident time, and could not account for their actions during that time.

§ 87(2)(b) described one of the officers as not participating in either of the vehicle searches. During the first vehicle stop and search, the officer spent most of the incident sitting in the backseat of the patrol, with the exception of standing on the driver's side of the civilian's car for approximately a minute, before re-entering the backseat of the patrol car. During the second vehicle stop and search, this officer remained in the backseat of the patrol car for the entire incident. On the day of the incident, PO Costello was the rear operator in the car and as such, would have been seated in the backseat (encl. G2-G3). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A – Abuse of Authority: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, Sgt. Dustin Edwards stopped cars in which individuals were occupants.

Allegation B – Abuse of Authority: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, PO Wilson Verdesoto stopped cars in which individuals were occupants.

Allegation C – Abuse of Authority: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, Sgt. Dustin Edwards searched cars in which individuals were occupants.

Allegation D – Abuse of Authority: On Ralph Avenue at Atlantic Avenue and on Ralph Avenue at Herkimer Street, PO Wilson Verdesoto searched cars in which individuals were occupants.

§ 87(2)(b) alleged that while walking on Ralph Avenue he witnessed three plainclothes officers standing by a stopped black SUV at the corner of Ralph Avenue and Atlantic Avenue. Two officers, identified through investigation as Sgt. Edwards and PO Verdesoto, spoke to the individual in the vehicle and searched the backseat and the trunk area of the car. Approximately 10-15 minutes later, § 87(2)(b) remained on Ralph Avenue and observed the same officers pull over a dark green GMC SUV at Ralph Avenue and Herkimer Street.

On the night of July 23, 2014, PO Verdesoto and PO Costello were conducting an interior patrol of a building from 11:50 p.m. to 12:10 a.m., at a location, 868 Park Avenue, which the officers described as being approximately five to ten minutes away from the incident location.

§ 87(2)(b) specified that the second incident occurred at 12:26 a.m. and estimated the time of the first incident to be 12:11 a.m. Sgt. Edwards did not note this patrol in his memo book. Although, it is well documented that he was partnered with PO Verdesoto and PO Costello on the day of the incident. All three officers have matching entries for a vertical patrol at 10:30 p.m. Since PO Verdesoto and PO Costello have matching entries for a vertical patrol at 11:50 p.m. and matching entries for having their memo books signed by Sgt. Edwards at 12:30 a.m., as well as Sgt. Edwards having an entry for signing their memo books at 12:30 a.m., it can reasonably be assumed all three officers were together from 10:30 p.m. to 12:30 a.m. (encl. D1-D4, E1-E5, F1-F8).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

Pod: 9

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date